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U.S. DISTRICT COURT, S.D.N.Y.  
★ JUN 30 2005 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SANTOS MARTINEZ,	:	P.M. _____
	:	TIME A.M. _____
Petitioner,	:	X
-against-	:	05 CV 2179 (ARR)(VVP)
	:	<u>NOT FOR</u>
	:	<u>PUBLICATION</u>
	:	<u>OPINION AND ORDER</u>
U.S. DEPARTMENT OF HOMELAND SECURITY, et. al,	:	
Respondents.	:	X

ROSS, United States District Judge:

By petition dated May 5, 2005, petitioner Santos Martinez challenges the refusal by the United States Citizenship and Immigration Services (“USCIS”) to adjudicate her August 25, 1998 application for adjustment of status. By letter dated June 13, 2005, respondents concede that USCIS erred in declining to adjudicate the application. Accordingly, respondents request that the action be remanded to USCIS to allow USCIS to consider, on the merits, petitioner's application. By letter dated June 23, 2005, petitioner, through counsel, consented to remand. The matter is hereby remanded to the USCIS. The court understands that USCIS has scheduled a hearing concerning petitioner's application for July 12, 2005, at 2:00 p.m., at the USCIS office at 26 Federal Plaza in Manhattan.

SO ORDERED.

Allyne R. Ross  
United States District Judge

Dated: June 24, 2005  
Brooklyn, New York

SERVICE LIST:

Counsel for Petitioner:

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cc: Magistrate Judge Pohorelsky